

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOSEPH A. RODRIGUEZ,

Plaintiff,

vs.

MILAGROS CLAVANO, et al.,

Defendants.

Case No. 2:09-cv-00395-JCM-PAL

**ORDER**

This matter is before the court on Plaintiff Joseph A. Rodriguez's Letter (Dkt. #15) to the court inquiring as to the status of this case. As an initial matter, letter requests are not an appropriate means to request relief. A document requesting a court order must be styled as a motion. Letter requests will be disregarded. Additionally, the court or the Clerk will notify you if any action is taken in your case by serving you with a copy of an order entered or other court action. The Clerk's Office is unable to respond in writing to requests for status.

Previously, the court screened Plaintiff's Complaint and directed that Plaintiff file an Amended Complaint. *See* Order, Dkt. #3. Plaintiff did not comply and requested additional time to file the Amended Complaint, which the court granted. *See* Order, Dkt. #6. Plaintiff again did not comply and requested additional time to comply, and the court again granted his request. *See* Order, Dkt. #9. When Plaintiff failed to comply a third time, the court entered a Report of Findings (Dkt. #10) and recommended this case be dismissed. Plaintiff then filed two Motions to Extend Time (Dkt. ##11, 12). The District Judge granted Plaintiffs' requests and directed the Clerk to file Plaintiff's Amended Complaint. *See* Order, Dkt. #13, and Amended Complaint (Dkt. #14). Plaintiff was required to serve the Amended Complaint on Defendants within 120 days of filing. *See* Fed.R.Civ.P. 4(m). However, he has not done so. The court will *sua sponte* (on its own motion) grant Plaintiff an extension of time to

1 serve the Amended Complaint. A case will not proceed until the complaint has been served on the  
2 defendants and they have answered the complaint or otherwise appeared by filing a motion to dismiss  
3 with the court.

4 The court realizes that it is difficult for an unrepresented individual to prosecute a federal case.  
5 However, having filed an Amended Complaint, it is Plaintiff's obligation to familiarize himself with  
6 the Federal Rules of Civil Procedure, the Local Rules of Practice, and the substantive law involved in  
7 his case. Neither the court nor the Clerk's Office may assist a *pro se* party by giving legal advice.

8 Having reviewed and considered the matter,

9 **IT IS ORDERED:**

- 10 1. The Clerk of the Court shall issue summons to Defendants, and deliver the same to the  
11 U.S. Marshal for service. Plaintiff shall have twenty days in which to furnish the U.S.  
12 Marshal with the required Form USM-285. Within twenty days after receiving from the  
13 U.S. Marshal a copy of the Form USM-285, showing whether service has been  
14 accomplished, Plaintiff must file a notice with the court identifying whether defendant  
15 was served. If Plaintiff wishes to have service again attempted on an unserved  
16 defendant, a motion must be filed with the court identifying the unserved defendant and  
17 specifying a more detailed name and/or address for said defendant, or whether some  
18 other manner of service should be attempted. Because it appears that the 120 days  
19 allowed by Rule 4(m) for service has already expired, service of the Amended  
20 Complaint must be accomplished within sixty days of entry of this Order.
- 21 2. From this point forward, Plaintiff shall serve upon Defendants, or, if appearance has  
22 been entered by counsel, upon the attorney(s), a copy of every pleading motion or other  
23 document submitted for consideration by the court. Plaintiff shall include with the  
24 original papers submitted for filing a certificate stating the date that a true and correct  
25 copy of the document was mailed to the defendants or counsel for the Defendants. The  
26 court may disregard any paper received by a District Judge or Magistrate Judge which  
27 has not been filed with the Clerk, and any paper received by a District Judge.

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Dated this 25th day of July, 2011.

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